

11cv639
RHK/JTGIN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Tom Brady, Drew Brees, Vincent Jackson, Ben : Civil Action No. _____
Leber, Logan Mankins, Peyton Manning, Von :
Miller, Brian Robison, Osi Umenyiora, and :
Mike Vrabel, individually, and on behalf of all :
others similarly situated, : Declaration of Anthony Agnone
:
Plaintiffs, :
:
vs. :
:
NATIONAL FOOTBALL LEAGUE, et al., :
:
Defendants.

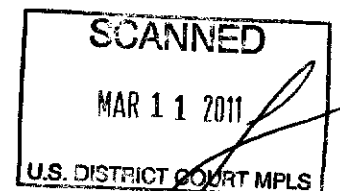
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Anthony Agnone, declares under penalty of perjury, as follows:

1. I am an NFL player agent at Eastern Athletic Services. I have been representing players in the NFL for 33 years since 1978. Over that time, I have represented over 300 players and have negotiated over 500 contracts.

2. Among the players that I currently represent is named Plaintiff Osi Umenyiora. I am personally familiar with the contract of Mr. Umenyiora, and the interactions and negotiations with his team. I submit this declaration in support of Plaintiffs' Motion for a Preliminary Injunction.

3. Mr. Umenyiora is a defensive end for the New York Giants. He has been selected to the Pro Bowl twice in 2005 and 2007. In 2007, he was also a member of the New York Giants Super Bowl championship team and earned All-Pro recognition.



Last year, in 2010, Mr. Umenyiora set the NFL record for most forced fumbles in a single season.

4. Mr. Umenyiora has been a professional football player in the NFL since 2003 when he was selected in the second round of the 2003 NFL draft by the New York Giants. I have represented him since May 16, 2007.

5. Mr. Umenyiora's initial contract with the Giants was set to expire after the 2006 NFL season when he would have become a free agent.

6. Instead, on December 23, 2005, Mr. Umenyiora signed a six-year \$41 million contract extension with the Giants, which runs through the 2012 season.

7. Under that contract, Mr. Umenyiora is entitled to a base salary of \$3.125 million for the 2011 season and \$3.975 million for the 2012 season, in addition to various bonuses equaling approximately \$1.5 million, including a \$31,250 bonus for each game in the 2011 and 2012 seasons that Mr. Umenyiora is on the active 53 man roster.

8. However, if the NFL imposes a "lockout," the Giants will refuse to honor the terms of Mr. Umenyiora's contract, including failing to pay contractually-mandated salary and bonuses, refusing access to team facilities, and refusing to allow Mr. Umenyiora to report to work at the appointed time.

9. Mr. Umenyiora and all other NFL players will suffer irreparable injury under an NFL "lockout." I know from personal experience as an agent, that NFL players' careers, in general, are exceedingly short compared to other professions. I have seen many NFL players leave the NFL after only a short time, and, from my experience, I believe that the average career of an NFL player is less than four years. One important

factor contributing to the extremely abbreviated career length for NFL players is the constant risk of career-ending injury. I have seen the careers of numerous players cut short or ended by severe playing injuries, suffered both in games and practice. In addition, the wear and tear of just playing in the NFL is severe, and diminishes the physical capability of players over time. I believe these risks are typical for every NFL player.

10. The "lockout" threatened by the NFL could deprive Mr. Umenyiora, and all other NFL players, of an entire year, or more, of their brief playing careers, which can not be recaptured. The virtually constant need for NFL players to prove their skill and value on both the game and practice fields makes an NFL "lockout" especially problematic. Missing a year or more of playing in the NFL can cause the skills of NFL players to become diminished from the lack of competition, making it difficult for them to regain the full talents they exhibited prior to the absence from play. This could shorten or even end the careers of NFL players.

11. In addition, 2011 is a critical year for Mr. Umenyiora to negotiate his next NFL contract. As stated above, Mr. Umenyiora has just concluded a record-setting season. If a contract is to be negotiated with the Giants or any other team that would reflect Mr. Umenyiora's current high market value, it must be done now during the 2011 season or off-season. If Mr. Umenyiora is denied this opportunity due to an NFL "lockout," he will suffer further irreparable injury.

12. It is my belief that Mr. Umenyiora and all other NFL players cannot be fully compensated by monetary damages for the harm they will suffer if they lose even part of an NFL season or off-season as a result of a "lockout."

Dated: March 11, 2011

Respectfully submitted,

/s Anthony Agnone
Anthony Agnone
Eastern Athletic Services